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Message Text

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ACTION OES-04

INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 DODE-00 CIAE-00 H-01

INR-07 L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01

SAJ-01 SAM-01 SP-02 SS-15 USIA-06 TRSE-00 RSC-01

NSC-05 ACDA-05 BIB-01 FEA-01 /089 W
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P 281437Z JAN 75
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC PRIORITY 5428
INFO AMEMBASSY TOKYO PRIORITY
AEC GERMANTOWN
AMEMBASSY BONN
USMISSION EC BRUSSELS
USMISSION GENEVA
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USLO PEKING
AMEMBASSY SEOUL
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 0711

EO 11652: GDS
TAGS: PARM TECH IAEA JA
SUBJ: GOJ-IAEA NEGOTIATION OF SAFEGUARDS AGREEMENT

REF: (A) TOKYO 0296
(B) TOKYO 16295

1. SUMMARY. JAPANESE NEGOTIATING TEAM IS IN VIENNA WITH INSTRUCTIONS TO NEGOTIATE ON URGENT BASIS JAPANESE-IAEA SAFEGUARDS AGREEMENT, HOPEFULLY IN TIME TO BE SUBMITTED TO FEB. 25 BOARD OF GOVERNORS MEETING. TEAM REPORTS THAT REASON FOR URGENCY IS TO HAVE SAFEGUARDS AGREEMENT TEXT READY PRIOR TO POSSIBLE SUBMISSION OF NPT
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RATIFICATION TO DIET BY 14 MARCH, LATEST DATE WHICH

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WOULD ALLOW DIET ACTION PRIOR TO NPT REVIEW CONFERENCE.
END SUMMARY.

2. LATE LAST WEEK AMBASSADOR FUJIYAMA RECEIVED TELEPHONE CALL FROM FOREIGN MINISTER INFORMING HIM THAT TEAM WOULD ARRIVE VIENNA SHORTLY, TO BEGIN FORMAL NEGOTIATIONS ON SAFEGUARDS AGREEMENT ON FEB 2. FOREIGN MINISTER APPARENTLY INDICATED THAT DESPITE CONTINUED SUBSTANTIAL OPPOSITION WITHIN LDP TO RATIFICATION, GOJ NONETHELESS WISHED TO BE READY TO SUBMIT RATIFICATION TO DIET IN TIME TO SECURE POSSIBLE APPROVAL PRIOR TO MAY REVIEW CONFERENCE.

3. FIRST TWO JAPANESE NEGOTIATORS ARRIVED OVER WEEKEND--NODA, DIRECTOR OF UN BUREAU AND LEADER OF NEGOTIATING TEAM, AND HAGANOYA OF MISUBISHI WHO HAS HAD PREVIOUS EXPERIENCE IN AGENCY SAFEGUARDS DISCUSSIONS INCLUDING SAFEGUARDS COMMITTEE. JAPANESE HAVE NOT ANNOUNCED EARLY ARRIVAL OF NODA AND WISH THIS FACT KEPT CONFIDENTIAL. TOWARD THE END OF THIS WEEK, SEVEN MORENEGOTIATING TEAM MEMBERS WILL ARRIVE FOR THE START OF PUBLICLY ANNOUNCED NEGOTIATIONS NEXT WEEK. NEW TEAM MEMBERS INCLUDE ETO, KAWASHIMA, IMAI AND OTHER REPRESENTATIVES OF MITI AND STA.

4. THIS WEEK JAPANESE HOPE TO COMPLETE REVIEW OF PARTS 1 AND 2 OF SAFEGUARDS AGREEMENT WHICH AGENCY UNDERSTANDS IS BASICALLY IDENTICAL TO EURATOM TEXT. SCHEDULE ANTICIPATES REVIEW AND AGREEMENT ON TEXT OF PROTOCOL NEXT WEEK, TOGETHER WITH PRELIMINARY BUT NOT DEFINITIVE DISCUSSIONS ON SUBSIDIARY ARRANGEMENTS. JAPANESE OBJECTIVE IS TO SECURE ACCORD WITH AGENCY ON BOTH AGREEMENT AND PROTOCOL TEXTS ON OR ABOUT FEB 7, TO ENABLE AGREEMENTS TO BE PUT ON FEB 25 BOARD AGENDA. BOARD APPROVAL WOULD IN TURN ENABLE GOJ TO TRANSMIT FINAL TEXT SAFEGUARDS AGREEMENT TO DIET BY MARCH 14, ALONG WITH REQUEST FOR NPT RATIFICATION. JAPANESE INDICATE MARCH 14 IS LATEST DATE WHICH WOULD ALLOW DIET CONSIDERATION AND PASSAGE OF RATIFICATION BILL PRIOR TO REVIEW CONFERENCE. DIET WOULD NOT BE ASKED TO APPROVE SAFEGUARDS AGREEMENT AT THIS TIME, BUT AGREEMENT WOULD CONFIDENTIAL

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BE REQUIRED FOR PARLIAMENTARY INFORMATION AND REVIEW IN THE RATIFICATION DEBATE.

5. JAPANESE WILL, BY TERMS OF THE NPT, HAVE 18 MONTHS FOLLOWING DEPOSIT OF RATIFICATION UNTIL SAFEGUARDS AGREEMENT MUST BE BROUGHT INTO FORCE. (ACTUALLY, THE TOTAL NEGOTIATIVE PERIOD IS 21 MINTHS, SINCE THREE ADDITIONAL MONTHS ARE ALLOWED TO COMPLETE THE SUBSIDIARY

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ARRANGEMENTS.) DURING THAT PERIOD THE MOST DIFFICULT PHASE OF THE NEGOTIATIONS WILL TAKE PLACE WITH RESPECT TO THE SUBSIDIARY ARRANGEMENTS, WHICH SPECIFY IN DETAIL HOW THE AGREEMENT IS TO BE APPLIED IN THE CASE OF SPECIFIC FACILITIES. IT WILL BE IN THESE TECHNICAL NEGOTIATIONS THAT THE JAPANESE VIEWS WITH RESPECT TO LEVEL AND INTENSITY OF INTERNATIONAL INSPECTION EFFORT, AS WELL AS THE NATURE AND MAGNITUDE OF THE NATIONAL SAFEGUARDS SYSTEM, WILL HAVE TO RECONCILED WITH IAEA (AND MEMBER STATES) CONCERNS WITH RESPECT TO ASSURING AS ADEQUATE SAFEGUARDS REGIME IN JAPAN.

6. SECRETARIAT HAS INFORMED NODA THAT THE DESIRE FOR PRESENTATION OF THE AGREEMENT TO THE FEB 25 BOARD PRESENTS A VERY DIFFICULT DEADLINE. EVEN IF NEGOTIATIONS CAN BE SUCCESSFULLY COMPLETED, THERE REMAINS THE PROBLEM OF GETTING DOCUMENTATION IN FOUR LANGUAGES INTO THE HANDS OF BOARD MEMBERS AND TO CAPITALS SUFFICIENTLY IN ADVANCE OF THE MEETING TO ALLOW TIME FOR REVIEW AND STUDY. AGENCY HAS ADDED THAT JAPANESE SHOULD BE AWARE THAT THERE ARE MEMBER STATES ON THE BOARD WHO WILL HAVE GREAT INTEREST IN THE PROVISIONS OF THE JAPANESE AGREEMENT AND MAY THEREFORE INSIST ON MORE TIME THAN CONTEMPLATED SCHEDULE ALLOWS. IN THIS EVENT AGENCY HAS PROPOSED A POSSIBLE SPECIAL BOARD MEETING IN EARLY MARCH WHICH MIGHT STILL ALLOW FOR MEETING THE PARLIAMENTARY DEADLINE. AGENCY ALSO SUGGESTS ALTERNATIVELY THAT AGREEMENT COULD BE INITIALED BY NEGOTIATORS AND SUBMITTED TO DIET PRIOR TO FINAL BOARD APPROVAL, BUT JAPANESE FEEL STRONGLY THAT BOARD ACTION SHOULD BE COMPLETED BEFORE AGREEMENT IS SUBMITTED TO DIET FOR ITS INFORMATION IN CONSIDERING

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INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 DODE-00 CIAE-00 H-01

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NPT RATIFICATION.

7. AGENCY HAS ALSO POINTED OUT TO JAPANESE THERE WILL BE SUBSTANTIAL INTEREST ON THE PART OF SOME BOARD MEMBERS IN PROGRESS ON DEVELOPMENT OF JAPANESE NATIONAL SAFEGUARDS SYSTEM. JAPANESE HAVE INDICATED THAT SUB-STANTIAL EFFORTS WOULD BE UNDERTAKEN TO DEVELOP NATIONAL SYSTEM DURING THE 18-MONTH PERIOD BETWEEN RATIFICATION AND ENTRY INTO FORCE OF THE AGREEMENT. AGENCY SUGGESTS THAT IT WOULD BE HELPFUL IF DG, IN PRESENTING AGREEMENT TO BOARD, COULD INDICATE THAT THIS WAS JAPANESE INTENTION. LEADER OF AGENCY NEGOTIATING TEAM (FISCHER) ALSO MADE CLEAR TO NODA THAT AGENCY HAD NOT RPT NOT ESTABLISHED AS
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A PRE-CONDITION IN NEGOTIATIONS ON JAPANESE AGREEMENT THAT JAPANESE WOULD AT THIS TIME HAVE TO COMMIT THEMSELVES TO SPECIFIC UNDERSTANDING WITH RESPECT TO STRENGTHENING OF THE JAPANESE NATIONAL SYSTEM. JAPANESE GRATEFULLY TOOK NOTE OF THIS POINT.

8. UNLESS JAPANESE HAVE SOME FLEXIBILITY IN THEIR NEGOTIATING INSTRUCTIONS (AND NODA SAYS HE HAS) IT WILL BE EXTREMELY DIFFICULT TO GET THINGS READY IN TIME FOR A WELL PREPARED BOARD ACTION IN LATE FEBRUARY. MOST BOARD MEMBERS WILL, OF COURSE, BE ANXIOUS TO ACCOMMODATE JAPANESE DESIRE TO MOVE QUCIKLY ON RATIFICATION, BUT THEY WILL BE LOATH TO APPROVE THE TERMS OF A UNIQUE AGREEMENT WITHOUT CAREFUL STUDY, PARTICULARLY SINCE THERE NO ASSURANCE THAT DIET WILL, IN THE END, APPROVE NPT RATIFICATION. MISSION WILL DO ITS BEST TO FACILITATE MATTERS, ASSUMING THAT JAPANESE INSTRUCTIONS ARE REASONABLE. WE WILL ALSO SHORTLY SEND IN OUR COMMENTS ON SUBSTANTIVE ISSUES WHICH MAY ARISE DURING

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NEGOTIATIONS.

9. WE UNDERSTAND THAT BOTH FOREIGN MINISTER AND PRIME MINISTER MADE POLICY STATEMENTS ON JANUARY 24 IN THE CONTEXT OF SUBMISSION OF NPT RATIFICATION TO THE DIET. MISSION WOULD APPRECIATE RECEIVING EMB TOKYO'S COMMENTS ON GOJ'S INTENTIONS, WHICH WE CAN PASS TO AGENCY AS HELPFUL BACKGROUND TO SAFEGUARDS NEGOTIATIONS. PORTER

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